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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ARISTOCRAT TECHNOLOGIES, INC. and
ARISTOCRAT TECHNOLOGIES
AUSTRALIA PTY LTD.,

Plaintiffs/Counterclaim-Defendants,
v.

LIGHT & WONDER, INC., LNW GAMING,
INC., and SCIPLAY CORPORATION,

Defendants/Counterclaim-Plaintiffs.

Case No. 2:24-cv-00382-GMN-MDC

**MOTION FOR LEAVE TO FILE UNDER
SEAL PORTIONS OF THE PARTIES'
STIPULATION REGARDING
DISCOVERY DISPUTE**

Pursuant to LR IA 10-5 of the Local Rules of the District of Nevada, Plaintiffs Aristocrat Technologies, Inc. and Aristocrat Technologies Australia Pty Ltd. (collectively, “Aristocrat”) and Defendants Light & Wonder, Inc., LNW Gaming, Inc., and SciPlay Corporation (collectively, “L&W”) respectfully move for leave to file under seal limited portions of the parties’ Stipulation Regarding Discovery Dispute (“Stipulation”) and certain materials accompanying the Stipulation.

MEMORANDUM OF POINTS AND AUTHORITIES

Sealing is warranted upon a showing of “good cause” where, as here, the sealing relates to a “discovery motion unrelated to the merits of a case.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097–98 (9th Cir. 2016); *see also* ECF No. 195 at 1 (“Since this is a discovery issue, the lower “good cause” standard applies in this instance to seal the information in question.”) (citing *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006)). This is because “[m]aterials submitted to a court for its consideration of a discovery motion are actually one step further removed in public concern from the trial process than the discovery materials themselves.” *United States v. Sleugh*, 896 F.3d 1007, 1015 (9th Cir. 2018) (internal quotations omitted). Therefore, “[f]or good cause to exist, the party seeking protection bears the burden of showing specific prejudice or harm will result if no protective order is granted.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002).

Aristocrat states that a portion of the Stipulation (redaction marked on p. 3, ¶ 4) reveals details about Aristocrat’s confidential and trade secret game design and game math information, including the mathematical designs of Dragon Link and Lightning Link.¹ As Aristocrat has explained in prior submissions—and the Court has previously recognized—the Lightning Link and Dragon Link game math and design information is highly confidential to Aristocrat, derives substantial economic value from not being generally known or readily ascertainable, is subject to more than reasonable measures by Aristocrat to maintain its secrecy, and ranks among Aristocrat’s most valuable intellectual property. *E.g.*, ECF No. 53 at 3–4; ECF No. 100 at 1 n.1; ECF No. 110.

¹ For the purposes of this motion, L&W takes no position on whether Aristocrat’s characterization of its information is accurate or if the information identified by Aristocrat in this paragraph should be sealed.

Public disclosure of this information could significantly harm Aristocrat’s competitive standing, including by exposing its confidential game design and enabling competitors to fully analyze and replicate, adapt, or improve upon the games that have dominated the market as Aristocrat’s exclusive flagship products for the past decade. *E.g.*, ECF No. 53 at 3–4. The Court has previously permitted sealing of similar information under the “compelling reasons” standard, *e.g.*, ECF No. 100 at 1 n.1; ECF No. 110; ECF No. 137; ECF No. 190 at 1 n.1, and Aristocrat respectfully requests that it do so again here under the lower “good cause” standard.

L&W states that there is good cause to seal the requested information. All the information sought to be sealed herein has been previously sealed by the Court and/or previously designated and treated as confidential or attorneys’ eyes only by the parties under the operative Protective Order. Where possible, the information sought to be sealed has been narrowly redacted. As explained below, good cause exists to seal the information below because it would reveal non-public, confidential, and sensitive commercial details about²:

1. Already sealed filings, and sealed information within those filings, at ECF Nos. 77, 77-1, 77-8, 87, 106, 106-1, and 173.

- a. Location: Stipulation (sealed information described or quoted at pp. 7-9).

2. L&W’s attorney led investigative policies, processes, procedures, results, and related information (including descriptions of such quoted or derived from L&W’s confidential interrogatory responses), which if publicly revealed, would harm the company business interests, including by discouraging the necessary free flow of information between company attorneys and employees. *See, e.g., Jasso v. Wells Fargo Bank*, 2023 WL 4549564, at *1 (D. Nev. June 15, 2023) (finding good cause to seal “because these documents include information about [Defendant]’s internal, non-public investigative processes and procedures. These internal and non-public

² For the purposes of this motion, Aristocrat takes no position on whether L&W’s characterization of its information is accurate or if the information identified by L&W in this paragraph should be sealed.

investigative processes and procedures constitute sensitive, commercially related information. Protecting this non-public information outweighs the public interest in accessing this litigation's records or understanding the judicial process in relation to this case.”) (citing and quoting *Aeovoe Corp. v. Ae Tech. Co.*, 2013 WL 2302310, *1 (D. Nev. May 24, 2013); *Dannenbring v. Wynn Las Vegas, LLC*, 2013 WL 2460401, at *4-6 (D. Nev. June 6, 2013).

- a. Location: Stipulation (redactions at pp. 3-5, 7-12); Exs. B-C (fully sealed); Ex. D (redactions at pp. 1-3); Ex. E (redactions at pp. 2-5), Ex. F (redactions at pp. 1-3, 6); Ex. G (redactions at pp. 11, 13-14).

3. L&W’s processes and practices related to game design and competitor analysis/research, which if publicly revealed, would harm: (A) L&W by allowing competitors insight into the core (and most secretive and commercially valuable) aspects of its game design process, game development timelines, game information confidentiality practices and procedures, analysis and comparison of other games, analysis and comparison of competitors’ games, and opinions on game products, game math, game design, and game strengths and weaknesses; and (B) third party competitors by releasing analyses and opinions about their games, including how they function and what aspects can be reverse engineered (and how), including aspects that these competitors may claim to be confidential and/or trade secrets. *See, e.g., Pacira Pharms., Inc. v. Rsch. Dev. Found.*, 2024 WL 4229046, at *2 (D. Nev. Sept. 17, 2024) (sealing internal “processes” and “technical information” about company’s products); *Ashcraft v. Welk Resort Grp., Corp.*, 2019 WL 12518367, at *2 (D. Nev. Sept. 26, 2019) (sealing information from which “a competitor could reverse-engineer the rules governing that system”); *Sessa v. Ancestry.com Operations Inc.*, 2023 WL 1795856, at *2 (D. Nev. Feb. 6, 2023) (sealing “third-party confidential business information”; citing and quoting *Gunter v. United Fed. Credit Union*, 2017 U.S. Dist. LEXIS 134955, at *5 (D. Nev. Aug. 23, 2017), which found “good cause to seal documents reflecting

‘trade secret[s] or other confidential research, development, or commercial information’”).

a. Location: Stipulation (redactions at pp. 3-6).

4. Settlement discussions between L&W and a former employee. *See Brissett v. Enter. Leasing Co.-W. LLC*, 2024 WL 4580964, at *6 (D. Nev. Oct. 23, 2024) (“find[ing] good cause to seal this document because it is a confidential, settlement communication”); *see also See Boware v. Levi Strauss Distribution Ctr.*, 2024 WL 1930384, at *2 (D. Nev. May 2, 2024) (Couvillier, J.) (sealing settlement documents and related communications; recognizing that the disclosure of settlement information and communications can undermine the “public policy favoring the compromise and settlement of disputes,” under which “full and open disclosure [between parties and counsel] is encouraged” by “preventing settlement negotiations from being admitted as evidence”) (quoting *United States v. Contra Costa Cty. Water Dist.*, 678 F.2d 90,92 (9th Cir. 1982); *Clausen v. Smith*, 2018 WL 6585274, at *2 (D. Nev. Dec. 14, 2018) (striking confidential settlement communication attached to complaint; citing Local Rule 16-5’s prohibition on parties disclosing “any confidential dispute-resolution communication that reveals the parties’ dispute-resolution positions”).

a. Location: Stipulation (redactions at p. 5); Ex. E (redactions at p. 5).

Filed herewith is a public version of the Stipulation that redacts the portions in question. L&W respectfully requests that the Court maintain the unredacted Stipulation and Exhibits B-G under seal. Aristocrat joins L&W in respectfully requesting that the Court maintain the unredacted Stipulation under seal.

Dated: August 29, 2025

/s/ Philip Erwin

PHILIP R. ERWIN, ESQ.

Dated: August 29, 2025

/s/ Jason D. Smith

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*Plaintiffs Light & Wonder, Inc., LNW Gaming,
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CERTIFICATE OF SERVICE

I hereby certify that on this August 29, 2025, a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF THE PARTIES' STIPULATION REGARDING DISCOVERY DISPUTE was electronically filed and served upon the parties registered for service with the Court's Case Management and Electronic Case Filing (CM/ECF) system:

/s/ Marissa Vallette
An employee of SPENCER FANE LLP